

July 1, 1983

Delfin O. Tumibay, D.V.M.
Amity Animal Clinic, Inc.
245 Belleville Avenue
Belleville, NJ 07109

Re: Case #82-35 - Mrs. Dolores Wysoki

Dear Dr. Tumibay:

This is to advise you that the Board of Veterinary Medical Examiners has received and reviewed certain information regarding activity in which you were engaged as a Board licensee. The Board's initial review discloses what appears to be a violation of N.J.S.A. 45:1-21(d), repeated acts of negligence, in that you failed to properly diagnose and properly treat the pet dog owned by Mrs. Dolores Wysoki (Herman) when presented to you for treatment in March 1982.

You are hereby offered the opportunity to settle this matter and avoid the initiation of formal disciplinary proceedings by signing the enclosed certification and paying a civil penalty in the amount of \$500 and by making restitution to Mrs. Wysoki in the amount of \$79. Said refund check is to be forwarded to this office and made payable to Mrs. Dolores Wysoki. Alternatively, you may waive your right to a hearing and submit a written statement or explanation to the Board. The Board will consider this statement and render a final decision thereon. You may also request a hearing in which case the matter will be scheduled and this notice will serve as a complaint. At the hearing you may, either personally or with the assistance of an attorney, submit such testimony or other evidence as you may deem necessary in order for the Board to finally determine whether the unlawful acts set forth herein have been proven.

You should also be aware that upon final evaluation of the evidence submitted at the hearing, the Board may, if unlawful acts are found to exist, assess civil penalties in an amount greater than that herein offered in settlement. Additionally, the Board may, if the

facts are found to so warrant, enter an order requiring the restoration of any monies acquired by unlawful acts, the payment of costs and directing that you cease and desist from continued use of those acts found to be unlawful.

The enclosed certification should be returned to the Board with your indicated course of action within ten days following receipt hereof. In the event that the Board receives no response within ten days, the allegations contained herein shall be deemed admitted and the Board will proceed to finally review this matter and enter an appropriate final order in relation thereto.

Very truly yours,

BOARD OF VETERINARY MEDICAL EXAMINERS

Maurice W. McQuade
Executive Secretary

MWM:dc
Encl.

cc: Michael A. Cerone, Jr.
c.r.r.r.

#82-35

CERTIFICATION


I have received the Board's letter dated July 1, 1983
regarding alleged violations.

Please Check One:

✓ The allegations set forth therein are acknow-
ledged and I enclose herewith a check in the
amount of \$ 500 payable to the State of
New Jersey. Assurance is hereby given that
the conduct alleged in the notice will not
continue or recur.

 I hereby waive any right which I may have to
a hearing in this matter and submit a written
statement for the Board's final consideration
in this matter.

 A hearing on this matter before the Board is
hereby requested.


(signature)

DATED: July 8, 1983

Copies for Board

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